

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

LINDA EDGE,	)	
Plaintiff,	)	
	)	
v.	)	No. 05-10100 JLT
	)	
BAYSTATE CONSTABLES, INC. d/b/a BAYSTATE	)	
CONSTABLES, CONSTANCE SORENSON a/k/a	)	
CONSTANCE CURRAN, JANE ROE and JOHN	)	
DOES 1-10,	)	
Defendants.	)	

**MOTION FOR ENTRY OF DEFAULT JUDGMENT  
FOR FAILURE TO APPEAR AND PLEAD**

The Plaintiff, Linda Edge, pursuant to Fed. R. Civ. P. 55(a), moves this Court for entry of a default judgment against Defendants Baystate Constables, Inc.(hereafter “Baystate”) and Constance Sorenson a/k/a Constance Curran (hereafter “Sorenson”) for failure to appear and plead. In support of this motion, Plaintiff states as follows:

1. Plaintiff filed her Complaint on January 14, 2005. Plaintiff filed her Second Amended Complaint on June 23, 2005.
2. Defendant Baystate was served with Plaintiff’s Second Amended Complaint through its agent Danielle DiTucci, by Constable Anthony J. Saia on June 26, 2005 at Baystate’s office. A copy of the constable’s certification and return of service is attached hereto as **Exhibit 1**.
3. Defendant Sorenson was served with Plaintiff’s Second Amended Complaint in hand by Constable Anthony J. Saia on June 26, 2005. A copy of the constable’s certification and return of service is attached hereto as **Exhibit 2**.
4. Defendants’ appearances and answers were due on July 18, 2005.

5. As of July 26, 2005, neither Defendant has filed an appearance in this action nor an answer to Plaintiff's Second Amended Complaint.

6. Plaintiff herewith also files her Third Amended Complaint, correcting a typographical error in paragraph 63 and amending the caption to more accurately describe Defendants. Plaintiff's Third Amended Complaint does not assert any new or additional claims for relief against Defendants.

7. Plaintiff requests that the Court enter the proposed default judgment attached hereto as **Exhibit 3**.

WHEREFORE, Plaintiff prays that this Court enter a default judgment in her favor against both Defendants:

A. For three times her actual damages, an amount to be proven, pursuant to 15 U.S.C. § 1692k(a)(1) and M.G.L. ch. 93A § 9(3);

B. For an additional amount of \$1,000.00 statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A); and

C. For her costs, expenses and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3) and M.G.L. ch. 93A § 9(4).

Respectfully submitted,

s/Yvonne W. Rosmarin  
Yvonne W. Rosmarin BBO #566428  
Law Office of Yvonne W. Rosmarin  
58 Medford Street  
Arlington, MA 02174  
781-648-4040

AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE
NAME OF SERVER (PRINT)	June 26th 2005
ANTHONY J. SAIA	TITLE Constable, & Disinterested Person
Check one box below to indicate appropriate method of service	
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>over 18 years old</u> <u>Bay State Constable, s Inc. d/b/a Bay State Constables</u> Time <u>12:10 p.m</u> <u>6 Courthouse Lane/Enterance E</u> <u>Room 12 2nd floor/Chelmsford,</u> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. <u>IN HAND TO</u> <u>Danielle DiTucci agent &amp; Sec to Baystate Constable,, Inc/d/b/a Bay State</u> Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/> Returned unexecuted: _____ _____ _____	
<input type="checkbox"/> Other (specify): _____ _____ _____	

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
11	20.00	20.00

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on June 26th 2005 Time 12:10 p.m Anthony J. Saia  
 Date Signature of Server Anthony J. Saia

27 Alcino Lane  
 Address of Server

Burlington Mass 01803

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

### RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE June 26th 2005
NAME OF SERVER (PRINT) Anthony J. Saia	TITLE Constable
Check one box below to indicate appropriate method of service <input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: 6 Courthouse Lane/ Entrance E Room No. 12 2nd floor Defendant Constance Benson in Hand Time 2:15 p.m.	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____	
<input type="checkbox"/> Returned unexecuted: _____	
<input type="checkbox"/> Other (specify): _____	

STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
11 Miles	35.00	35.00

### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on June 26th 2005 Time 2:15 p.m.  
Date  
Anthony J. Saia  
Signature of Server

27 Alcino Llano  
Address of Server

Burlington, Mass 01803

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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Plaintiff,	)	
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v.	)	No. 05-10100 JLT
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BAYSTATE CONSTABLES, INC. d/b/a BAYSTATE	)	
CONSTABLES, CONSTANCE SORENSON a/k/a	)	
CONSTANCE CURRAN, JANE ROE and JOHN	)	
DOES 1-10,	)	
Defendants.	)	

**PROPOSED JUDGMENT**

This matter coming before the Court on the motion of Plaintiff for entry of a default judgment, pursuant to Fed. R. Civ. P. 55(a), against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran for failure to appear and plead,

1. Judgment is hereby entered for the Plaintiff and against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran, pursuant to 15 U.S.C. § 1692k(a)(1) and M.G.L. ch. 93A § 9(3), for three times Plaintiff's actual damages, an amount to be proven;

2. Judgment is hereby entered for the Plaintiff and against Defendants Baystate Constables, Inc. and Constance Sorenson a/k/a Constance Curran for an additional \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A);

3. Judgment is hereby entered for Plaintiff's costs, expenses and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3) and M.G.L. ch. 93A § 9(4);

4. Pursuant to Fed. R. Civ. P. 54(d) Plaintiff shall submit her petition for fees and costs within 14 days of entry of a final judgment, after determination of the amount of her actual damages;

5. The Court will set a date for Plaintiff to prove up the amount of her actual damages by further order.

Dated: \_\_\_\_\_

Entered: \_\_\_\_\_

Joseph L. Tauro, District Judge